

16. (Amended) The circuit as claimed in claim 8, wherein said device is a vertical cavity surface emitting laser diode.

94 17. (Amended) The circuit as claimed in claim 8, wherein said circuit is capable of driving said device with a voltage supply of three volts or less without alternative current coupling.

[Please add the following new claims:]

95 19. (New) The method as claimed in claim 4, wherein said pair of transistors are bipolar transistors.

20. (New) The circuit as claimed in claim 16, wherein said vertical cavity surface emitting laser diode is connected to a collector of said second transistor.

REMARKS

Claims 1-20 are pending. Claims 5, 10, 13 and 16-17 have been amended. Claims 19-20 have been added.

35 USC § 112

The Patent Office rejected claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits claims 1-4 as presently written are definite to one of ordinary skill in the art. It is well-settled that the language of the claims, read in light of the specification is to be considered when determining whether the claims are definite. *Allen Archery v. Browning Mfg. Co.*, 819 F.2d 1087, 2 USPQ 2d 1490 (Fed. Cir. 1987). Applicant respectfully submits that claim 1, when read in light of the specification, is definite to one of ordinary skill in the art.

Regarding claims 5-6, claim 5 has been amended to more particularly point out and distinctly claim the invention.

35 USC § 102

The Patent Office rejected claims 1-6 and 8-18 under 35 U.S.C. § 102(e) as being anticipated by Patterson, III (US 2002/0110167).

35 USC § 103

The Patent Office rejected claims 1, 5 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Patterson, III (US 2002/0110167) in view of Siegel (U. S. Patent No. 5,132,553).

Applicant respectfully submits that a *prima facie* case of anticipation and obviousness is not proper as Patterson, III is not valid as prior art under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a). Applicant reduced to practice the invention described in the present application prior to November 6, 2000, the earliest effective date of Patterson, III.

Please refer to the submission of a Rule 1.131 affidavit submitted by the inventor. The affidavit includes a copy of a written description of the invention that was prepared prior to November 6, 2000. Since Patterson, III is not a prior art reference, the *prima facie* case of anticipation and obviousness has not been established and all claims should be allowed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version With Markings To Show Changes Made.”**

CONCLUSION

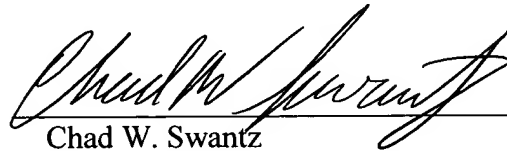
For the above reasons, it is respectfully submitted that the application is now in condition for allowance of claims 1-20, and early issuance of such is earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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In the claims:

Claims 5, 10, 13 and 16-17 have been amended as follows:

5. (Amended) A circuit for providing a semiconductor laser drive current, comprising:

- (a) a power supply input voltage upto about three volts;
- (b) a differential switch for selecting an amount of current from at least two amounts of current depending upon the voltage of each of at least two inputs; said differential switch being formed from a pair of transistors; and
- (c) at least two current sources, said at least two current sources being capable of producing said at least two amounts of current by at least one of independent and combined operation, wherein a ~~suitable amount~~ of headroom voltage for said at least two current sources is obtained by the amount of voltage provided by said input voltage less a voltage drop across a device being driven by said selected current and a voltage drop across said pair ~~pairs~~ of transistors during operation of said circuit.

10. (Amended) The circuit as claimed in claim 8, wherein said amount of current substantially equal to a second amount of current less a first amount of current is delivered to said device ~~laser diode~~ when said second input is a higher voltage than said first input.

13. (Amended) The circuit as claimed in claim 8, wherein said second input is connected to a base ~~based~~ of said second transistor.

16. (Amended) The circuit as claimed in claim 8, wherein said device ~~laser diode~~

is a vertical cavity surface emitting laser diode, ~~said vertical cavity surface emitting laser diode being connected to a collector of said second transistor.~~

17. (Amended) The circuit as claimed in claim 8, wherein said circuit is capable of driving said device ~~laser diode~~ with a voltage supply of three volts or less without alternative current coupling.